

Message Text

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PAGE 01 STATE 009684
ORIGIN SNM-02

INFO OCT-01 ARA-06 ISO-00 SCS-03 SCA-01 DEAE-00 CIAE-00
INR-07 IO-13 JUSE-00 NSAE-00 TRSE-00 USIA-06 NSC-05
OES-06 OMB-01 L-03 H-01 EB-07 FAA-00 DOTE-00 DODE-00
AID-05 /067 R

DRAFTED BY S/NM:MCHESHES/L/SFP:LFIELDS/ARA/AND/C:DCOX:AG
APPROVED BY S/NM:SBVANCE
ARA/RPP:GBROWN (DRAFT)
SCS:PMULLIN (PHONE)
SCA/SCS:MBURKE (SUBS)
ARA/AND/C:DWCOX (DRAFT)
ARA/AND:FJDEVINE (DRAFT)

-----150905Z 053207 /15

R 150121Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY BOGOTA

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E.O. 11652: N/A

TAGS: SNAR, CO, US

SUBJ: NARCOTICS: USE OF CONFISCATED U.S. AIRCRAFT IN
GOC NARCOTICS AVIATION SUPPORT UNIT

REFERENCE: BOGOTA 94

1. OUR ASSISTANCE IS BEING PROVIDED TO THE GOC TO REFURBISH
FOUR AIRCRAFT PER THE PROAG (AGREEMENT NO. TQ 5). THAT
AGREEMENT SPECIFIES THAT THE GOC AGENCIES OF THE NATIONAL
COUNCIL ON DANGEROUS DRUGS ARE TO FURNISH THE AIRCRAFT.
U.S. RESPONSIBILITY IS LIMITED TO AGREEING TO ASSIST IN
DETERMINING NUMBER AND TYPE. WHERE AIRCRAFT UTILIZED IN
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THIS PROGRAM ARE CONFISCATED UNDER COLOMBIAN LAW, DE-
FINITIVE ACTION UNDER THAT LAW IS DETERMINATIVE OF THE
TITLE TO SUCH AIRCRAFT.

2. IN THOSE CASES WHERE AGOC SEIZURE IS CONTESTED AND
WHERE A SIGNIFICANT POSSIBILITY EXISTS THAT A COLOMBIAN
COURT MIGHT EVENTUALLY RETURN AIRCRAFT TO ITS ORIGINAL

OWNER, OUR VIEW IS THAT CCINC FUNDS SHOULD NOT BE USED TO REFURBISH THE AIRCRAFT. IN SUCH CASES OUR INTEREST DOES NOT BEAR SO MUCH ON THE LEGALITY OF THE SEIZURE, BUT TO ENSURE THAT NARCOTICS CONTROL FUNDS ARE NOT APPLIED TO AIRCRAFT WHICH ULTIMATELY CANNOT BE USED FOR NARCOTICS CONTROL ACTIVITIES.

3. IN THE CASE OF THE WANDERING TIGERS' NAVAJO, WE UNDERSTAND THAT THE COMPANY'S REPRESENTATIVES ARE CONTINUING THEIR LEGAL EFFORTS TO SEEK THE RETURN OF THE AIRCRAFT. SINCE IT APPEARS POSSIBLE THAT THE AIRCRAFT MIGHT BE RETURNED AS A RESULT OF A COLOMBIAN JUDICIAL DECISION, WE DO NOT BELIEVE CCINC FUNDS SHOULD BE EXPENDED ON IT UNTIL THE ISSUE IS DEFINITELY RESOLVED. EMBASSY'S COMMENTS ON THE CURRENT STATUS OF THIS CASE IN THE JUDICIAL SYSTEM WOULD BE APPRECIATED.

4. ASIDE FROM THE POLICY AND LEGAL CONSIDERATIONS SET FORTH ABOVE, WE HAVE SERIOUS RESERVATIONS AS TO WHETHER WANDERING TIGERS HAS BEEN TREATED IN AN EQUITABLE FASHION IN THE CASE OF THE SEIZURE OF THE NAVAJO. ON THE BASIS OF THE INFORMATION WE HAVE, WE BELIEVE THAT A GOOD CASE CAN BE MADE FOR THE INNOCENCE OF THE OWNERS WITH REGARD TO ANY INTENT TO HAVE THE AIRCRAFT USED FOR NARCOTICS TRAFFICKING. THIS VIEW IS ALSO REFLECTED IN THE STRONG CONGRESSIONAL INTEREST IN THIS CASE. WE THEREFORE FEEL THAT A REPRESENTATION SHOULD BE MADE TO APPROPRIATE COLOMBIAN AUTHORITIES, INCLUDING THE COUNCIL ON DANGEROUS DRUGS. THE COLOMBIAN AUTHORITIES SHOULD BE ASKED TO REVIEW THE FACTS IN THIS CASE AND TO CONSIDER STEPS THEY LIMITED OFFICIAL USE

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MIGHT TAKE TO BRING ABOUT THE RELEASE OF THE AIRCRAFT. SUCH A REPRESENTATION WOULD APPEAR TO BE TIMELY NOW, BEFORE THE NARCOTICS AIR WING BECOMES OPERATIONAL.

5. ACTION REQUESTED: 1) PLEASE CONVEY GENERAL POLICY VIEWS IN PARAS ONE AND TWO TO APPROPRIATE GOC AUTHORITIES. 2) PLEASE MAKE REPRESENTATION RE WANDERING TIGERS' AIRCRAFT ALONG LINES OF PARAS THREE AND FOUR TO APPROPRIATE AUTHORITIES.

6. FYI: DIRECTOR OF OFFICE OF ANDEAN AFFAIRS RAISED ISSUE OF WANDERING TIGERS' AIRCRAFT IN JANUARY 12 CONVERSATION WITH COLOMBIAN CHARGE, WHO STATED HE WOULD PASS ON OUR CONCERN TO FOREIGN MINISTRY. ISSUE WAS RAISED AS A CONTINUATION OF EXCHANGE BETWEEN DIRECTOR AND COLOMBIAN EMBASSY IN JUNE-JULY 1976; (COPIES OF CORRESPONDENCE WERE POUCHED TO EMBASSY), POSSIBILITY OF USE OF PLANE IN NARCOTICS AIR WING WAS NOT MENTIONED. DIRECTOR EXPRESSED DEPARTMENT'S VIEW THAT WANDERING TIGERS' OWNERS

APPEAR TO HAVE A STRONG CASE FOR RETURN OF THE AIRCRAFT,
THAT THERE IS A SIGNIFICANT DIFFERENCE BETWEEN THIS AND
THE OTHER IMPOUNDED AIRCRAFT, AND HE REMINDED CHARGE OF
THE CONGRESSIONAL CONCERN. END FYI.
KISSINGER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DRUG CONTROL, POLICIES, AIRCRAFT CONFISCATION
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: MCHESHES/L/SFP:LFIELDS/ARA/AND/C.DCOX:AG
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770016-0125
Format: TEL
From: STATE
Handling Restrictions: n/a
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